



*State of New Jersey*

## **ELECTION LAW ENFORCEMENT COMMISSION**

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GREGORY E. NAGY  
Legal Director  
  
JAMES P. WYSE  
Counsel

### PUBLIC SESSION MINUTES

April 21, 1999

The Commissioners, Counsel Wyse, Senior Staff, and Deputy Legal Director Nedda Gold Massar were present.

#### 1. Open Public Meetings Statement

Chair Martin called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., adequate notice of the meeting of the Commission had been filed with the Secretary of State's Office and distributed to the entire State House Press Corps.

The meeting convened at 11:00 a.m. in Trenton.

#### 2. Approval of Public Session Minutes of March 24, 1999

On a motion by Vice Chair Linett, seconded by Commissioner Ware and passed by a vote of 3-0, the Commission approved the Public Session Minutes of March 24, 1999.

#### 3. Executive Director's Report

##### A. Electronic Disclosure

Executive Director Herrmann reported that on March 29, 1999, a representative from the Governor's office and Joe Donohue of the Star-Ledger (Newark) attended an electronic disclosure preview and feedback session hosted by the staff and ELEC's vendor. He noted that the guests were shown what will become a "typical day in the life of a report." According to Executive Director Herrmann, a sample filing was scanned and coded on the 13<sup>th</sup> floor and was then shown on the 12<sup>th</sup> floor using a model of ELEC's Internet site. He said that viewing and downloading of the report's information was demonstrated. Executive Director Herrmann reported that both guests expressed great excitement and praise for the

project. He advised the Commission that the staff is planning future demonstrations for whenever ELEC is contacted by interested parties over the spring and summer.

Executive Director Herrmann informed the Commission that on March 30, 1999, Assistant Systems Administrator Kim Vandegrift updated and enhanced the Commission's web page. He said that she added a new background to the start page, updated campaign financing statistics for 1998, and created a large new section on lobbying statistics that includes:

- benefit passing alphabetized by recipient and provider,
- alphabetical listings of lobbyists and legislative agents,
- receipt and expenditure rankings, and
- a list of lobbyists serving on authorities, boards, and commissions.

The Executive Director reported that the Federal Election Commission and the Massachusetts Campaign and Political Finance Board have contacted staff about visiting ELEC to study our new computer system.

B. Budget

Executive Director Herrmann said that on March 31 and April 6, 1999, Deputy Director Brindle, Director of Administration Barbra Fasanella, and he attended the Assembly and Senate Budget Hearings on the Department of Law and Public Safety. According to the Executive Director, ELEC received a written Office of Legislative Service's question and an oral question from Assemblyman John Kelly on the current status of ELEC's efforts to make campaign financing reports available on-line. Director Herrmann mentioned that he responded that ELEC is "on schedule" and in the required testing phase. Executive Director Herrmann said that he told the Committee that reports will be available on ELEC's web page around labor day.

C. Staff Activities

Executive Director Herrmann introduced Helen Kelly, who joined the staff as an Assistant Data Entry Operator. He added that Assistant Review Officer Harry Ravenel attended a four-day course in Investigative Analysis sponsored by the Division of Criminal Justice Academy. Executive Director Herrmann noted that Associate Director of Review and Investigation Shreve Marshall and Associate Review Officer Brett Mead are graduates of this program.

According to the Executive Director, on April 12, 1999, he attended the annual Public Integrity Editorial Board meeting which was held in Orlando in conjunction with the American Society for Public Administrations' (ASPA) convention. He said that the Board discussed various issues and ideas for the quarterly's future. The Executive Director added that of particular interest was the planning of symposia. Executive Director Herrmann advised the Commission

that they are series of articles written around a single topic. He said that he made a presentation on a symposium of six articles he is editing on campaign financing. Executive Director Herrmann mentioned that Deputy Director Brindle is one of the authors. The symposium is scheduled to appear in two issues next year.

Executive Director Herrmann advised the Commission that Professor Stuart Gilman of Georgetown University, a member of the Board and Chair-Elect of ASPA's Ethics Section, mentioned that the Executive Director's article "Bricks Without Straw" was receiving international attention. In particular, he noted that the President of Argentina, Carlos Saul Menem, made use of the article in a successful appeal for \$6 million to fund his nation's ethics agency. Executive Director Herrmann said that the article has been translated into Spanish.

D. 1998 Annual Report

Executive Director Herrmann presented the 1998 Annual Report and thanked Project Director Jeffrey M. Brindle and all of the staff who worked on it for a fine job.

E. Legislative Developments

Executive Director Herrmann informed the Commission that on April 13, 1999, Governor Whitman signed into law A-2370 (Geist), the Testing-The-Waters Bill. He said that under it, exploratory committee activity triggers candidacy and reporting to ELEC.

F. Ethics Form Reminder

The Executive Director reminded the Commissioners that their Ethics forms are due to be completed and filed with the Executive Commission on Ethical Standards and the Governor's Chief Counsel before May 15, 1999.

G. Spring Meeting Schedule

May 19, 1999 at 11:00 a.m. in Trenton

June 24, 1999 at 11:00 a.m. in Trenton

4. Public Hearing on Proposed Contribution Reporting Regulations

A public hearing was held on a proposed new rule at N.J.A.C. 19:25-10.15, Contributions by check. The new rule is intended to provide guidance to candidates, committees, and treasurers for determining and reporting the correct source of contributions made by check. The Commission also proposes to amend N.J.A.C. 19:25-1.7, Definitions, to include a definition of the term "contributor." A Court Reporter was present to record the hearing. No persons appeared to testify.

Legal Director Nagy explained that the comment period on the proposal expired at 5:00 p.m. on April 21, 1999, and that the Commission could adopt the proposal at the May 19, 1999 meeting.

On a motion by Vice Chair Linett, seconded by Commissioner Ware and passed by a vote of 4-0, the Commission voted to approve adoption of the new rule and amendment provided that no written comments are received by the 5:00 p.m. comment deadline. In the event comments are received, the Commission will defer action and consider them at a future meeting.

5. Resolution to Go Into Executive Session

On a motion by Commissioner Ware, seconded by Vice Chair Linett and passed by a vote of 4-0, the Commission resolved to go into closed Executive Session to discuss the following matters which will become public as follows:

- A. Final Decision Recommendations in violation proceedings which will not become public. However, the Final Decisions resulting from those recommendations will become public no later than 35 days after mailing.
- B. Investigative Reports of possible violations, which reports will not become public. However, any complaint generated as the result of an Investigative Report will become public no later than 50 days after mailing.
- C. A report on written requests for investigations of possible violations, which report will not become public. However, any complaint which may be generated as a result of a request for an investigation will become public no later than 50 days after mailing.

6. Return to Public Session

On a motion by Commissioner Ware, seconded by Commissioner Franzese and passed by a vote of 4-0, the Commission voted to return to Public Session.

7. Adjournment

On a motion by Vice Chair Linett, seconded by Commissioner Ware and passed by a vote of 4-0, the Commission voted to adjourn at 12:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.  
Executive Director